

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Civil Action No.
CV-07-3622
(JFB) (ARL)

Plaintiff,
-against-

**DECLARATION OF
SERVICES
FOR REASONABLE
ATTORNEYS FEES**

SAYVILLE DEVELOPMENT GROUP, LLC,
a/k/a SAYVILLE DEVELOPMENT CORP.,
STEPHEN RAY FELLMAN, and HOME
PROPERTIES SAYVILLE, LLC,

Defendants.

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DOUGLAS E. ROWE, hereby declares under penalty of perjury pursuant to 28 U.S.C. §1746 as follows:

1. I am an attorney duly licensed to practice in this Court. I am a member of Certilman Balin Adler & Hyman, LLP, former attorneys for defendants Sayville Development Group, LLC a/k/a Sayville Development Corp. ("Sayville") and Stephen Ray Fellman ("Fellman").

2. This declaration is submitted in response to an Order dated October 6, 2008 (Magistrate Judge Lindsay) wherein the Court reserved its decision concerning the Certilman Firm's request for a retaining lien and therein requested supporting documentation from the Certilman Firm. A copy of the Order is annexed hereto as Exhibit "A".

3. Attached as Exhibit "B" is a copy of the itemized billing statements, which have not yet been paid, reflecting services rendered on behalf of the Certilman Firm's former clients in this action. Paul Aniboli, the principal of Sayville Development Group, LLC a/k/a Sayville Development Corp., has been a client of the Certilman Firm since 1999 and agreed to be responsible for all of the fees in this case (relieving defendant Fellman of any financial responsibility herein) according to our prior billing practices. No separate retainer agreement for services in this action was executed.

4. This action was commenced in 2007 and the Certilman Firm incurred reasonable attorneys' fees throughout and such fees were always promptly paid by Paul Aniboli without objection. To date, there remains a balance (at the time of making the motion to be relieved) of \$10,524.36, which represents outstanding bills for the months of July through September. However, there are some charges in the September bill representing work performed with regard to the Certilman Firm's motion to be relieved as counsel and therefore, the Certilman Firm reduces the amount it is seeking for a retaining lien by those fees which total \$3,287.50, leaving a balance owed in the amount of \$7,236.86. (The amounts on the September invoice in

connection with time spent on the motion to be relieved have been crossed out for the Court's convenience).

5. The fees incurred in this action were calculated based on the time actually spent on this matter. The Certilman Firm billed the client on an hourly basis at a rate of \$375.00 per hour for a partner's time, \$250 per hour for associates' time and \$110.00 per hour for a paralegal's time. The work performed in this action was recorded contemporaneously and the client was billed monthly. Accordingly, the Certilman Firm is entitled to a retaining lien in the amount of \$7,236.86.

WHEREFORE, the Certilman Firm respectfully requests an order granting Certilman Balin Adler & Hyman, LLP a retaining lien against the file in this action in the amount of \$7,236.86, plus such other and further relief to this Court seems just, proper and equitable.

Dated: East Meadow, New York
October 10, 2008



DOUGLAS E. ROWE (DER 6261)